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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 AMERICAN ECONOMY INSURANCE CO.,
12 Plaintiff,
13 v.
14 NICEFORO HERRERA, et al.,
15 Defendants.

Civil No. 06cv2395 WQH (CAB)

**ORDER REGARDING PLAINTIFF'S
MOTION TO COMPEL FURTHER
RESPONSES TO DISCOVERY**

16 On September 20, 2007, this Court held a telephonic discovery conference on Plaintiff's motion
17 to compel further responses to discovery by Defendant Nicholas Fintzelberg. Scott Murch, Esq.,
18 appeared for Plaintiff. Seth Friedman, Esq., appeared for Defendant Fintzelberg. Having considered the
19 submissions of the parties and the arguments of counsel, Plaintiff's motion is **DENIED**.

20 Plaintiff moved to compel further responses to its Request for Admission Nos. 11-13,
21 propounded on Defendant Fintzelberg. Defendant Fintzelberg provided a qualified admission and
22 otherwise denied these requests. The Court finds no further response is necessary. The motion is
23 **DENIED**.

24 Plaintiff moved to compel further responses to Interrogatories, Set One, Nos. 1-9. These
25 interrogatories were propounded in the form of contention interrogatories. Defendant Fintzelberg
26 objected on a number of grounds, including that the requests were premature. Those objections
27 notwithstanding, Defendant referred Plaintiff to his initial disclosures for the identity of persons, facts
28 and/or documents that may be responsive. No further response is necessary at this time. The motion is

1 **DENIED.** However, Defendant is cautioned that should additional responsive information come to his
2 attention, he should promptly supplement his disclosures.

3 Finally, Plaintiff moved to compel production of documents, specifically any liability insurance
4 policies of Defendant Fintzelberg in effect on March 11, 2006. Defendant objected in part because the
5 request was not relevant to the claims and defenses in this case. The objection is sustained. Defendant
6 has not made any claim against Plaintiff for defense costs or indemnity, so the existence of additional
7 policies for contribution is not relevant to this lawsuit. The motion is **DENIED.**

8 **IT IS SO ORDERED.**

9 DATED: September 20, 2007

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12 **CATHY ANN BENCIVENGO**
United States Magistrate Judge
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